

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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| UNITED STATES OF AMERICA |) | |
| |) | Criminal No.: 3:00-CR-400-P |
| v. |) | |
| |) | Judge Jorge A. Solis |
| MARTIN NEWS AGENCY, INC.; and |) | |
| BENNETT T. MARTIN, |) | |
| |) | FILED: January 16, 2001 |
| Defendants. |) | |

UNOPPOSED MOTION FOR AGREED PROTECTIVE ORDER

COMES NOW the United States of America, through its attorneys, and respectfully requests this Honorable Court to enter a protective order pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure. Pursuant to LCrR 47.1(a), the defendants' attorneys have been consulted regarding this motion, and they are not opposed to the Court's granting the motion and signing the proposed Order.

The defendants have filed a discovery request, and will receive, inspect and copy documents and materials, pursuant to Fed. R. Crim. P. 16(a); Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972); and the Jencks Act, 18 U.S.C. 3500. Some of this material consists of grand jury transcripts and grand jury exhibits. The bulk of the material consists of documents of the defendants and non-parties which were originally produced in response to either subpoenas *duces tecum* issued by a grand jury in the Northern District of Texas or civil investigative demands issued by the United States. In addition, some of these materials are regarded as confidential by those who produced them. Pursuant to Fed. R. Crim. P. 16(d)(1) the United States hereby moves the Court to limit the disclosure of this material by ordering that:

1. Upon receiving grand jury transcripts, other witness statements, grand jury exhibits, all other documents and materials produced to the grand jury, and all documents and materials produced to the United States pursuant to civil investigative demands ("confidential materials"), these materials being disclosed to the defendants pursuant to the United States' discovery obligations, the defendants and their counsel shall treat such materials, including copies thereof, as confidential and shall make

no further disclosure of such materials, except as provided herein.

2. The confidential materials, including copies, shall only be used by the defendants and/or their attorneys:

(A) to prepare for the trial of this criminal case, including:

- (1) using his or her knowledge of the confidential materials to characterize the substance of the testimony or evidence contained in such materials in discussions or interviews with prospective witnesses for this criminal case;
- (2) showing a prospective witness, or such witness' own counsel, grand jury documents, and providing a prospective witness, or such witness' counsel, with a transcript of that witness' own testimony; and
- (3) allowing secretaries, clerical workers, paralegals, contract personnel (e.g., outside copy service) and experts, retained to assist in the preparation of this case for trial, to view the confidential materials solely for the purpose of preparing and presenting this criminal case.

(B) to use in any proceeding before this Court related to the trial of this criminal case;

(C) to prepare any pleadings filed in this criminal case;

(D) to use in any appeal regarding this criminal case.

3. Neither defendants nor their attorneys may disclose said confidential materials to any other party or counsel in the related civil action styled Taylors, Ltd. vs. Martin News Agency, Inc., et al., Cause No.: 00-CV-422-X(N.D. Tex. Dallas Div.)(Judge Kendall), or in any other civil action that may be filed which is related to the subject matter of this criminal trial.

4. Nothing in this Order shall restrict or prevent defendants or their attorneys from disclosing to any corporation or person documents originally produced to the grand jury by that corporation or person, or documents produced to the grand jury by the defendants.

5. Each person to whom confidential materials has been shown or their contents disclosed pursuant to Paragraph 2 of this Order shall be informed of his or her responsibilities under this Order by the person making disclosure and shall not discuss with, show, or otherwise disclose the contents thereof to anyone other than his or her own counsel, who shall not be permitted to further disclose such materials.

6. All such materials turned over to the defendants and their attorneys, and any copies made

therefrom, shall be returned to the attorneys for the United States after this case is disposed of by trial, appeal, if any, or other resolution of the charges against the defendants.

7. The parties may apply to this Court for a modification of this Order at any time.

Respectfully Submitted,

“/s/”
RICHARD T. HAMILTON, JR.
Ohio Bar Number--0042399

MICHAEL F. WOOD
District of Columbia Bar Number--376312

KIMBERLY A. SMITH
Ohio Bar Number--0069513

SARAH L. WAGNER
Texas Bar Number--24013700

Attorneys, Antitrust Division
U.S. Department of Justice
Plaza 9 Building, Suite 700
55 Erieview Plaza
Cleveland, OH 44114-1816
Telephone: (216) 522-4107
FAX: (216) 522-8332

Richard A. Anderson, Esq./telephone conf. with Gibson
RICHARD A. ANDERSON, ESQ.
Counsel for Martin News Agency, Inc.

Michael P. Gibson, Esq./telephone conf.
MICHAEL P. GIBSON, ESQ.
Counsel for Bennett T. Martin

Burleson, Pate & Gibson, L.L.P.
Akard Plaza Building
2414 North Akard, Suite 700
Dallas, TX 75201

CERTIFICATE OF CONFERENCE

This is to certify that the undersigned attorney has conferred with Michael P. Gibson, Esq., counsel for Bennett T. Martin, who represented that he had conferred with Richard A. Anderson, Esq., counsel for Martin News Agency, Inc., and is authorized to state that the defendants do not oppose this motion.

SIGNED this 12th of January 2001.

“/s/”

RICHARD T. HAMILTON, JR.
Ohio Bar Number--0042399
Attorney, Antitrust Division
U.S. Department of Justice
Plaza 9 Building, Suite 700
55 Erieview Plaza
Cleveland, OH 44114-1816
Telephone: (216) 522-4107
FAX: (216) 522-8332

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via Federal Express to the Office of the Clerk of Court on this 12th day of January 2001. In addition, copies of the above-captioned pleading were served upon the defendants via regular U.S. mail on this 12th day of January 2001.

Richard A. Anderson
Burleson, Pate & Gibson, L L P
2414 N. Akard, Suite 700
Dallas, TX 75201

Michael P. Gibson
Burleson, Pate & Gibson, L.L.P.
2414 N. Akard, Suite 700
Dallas, TX 75201

“/s/”

RICHARD T. HAMILTON, JR.
Ohio Bar Number--0042399
U.S. Department of Justice
Plaza 9 Building, Suite 700
55 Erieview Plaza
Cleveland, OH 44114-1816
Telephone: (216) 522-4107
FAX: (216) 522-8332